



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

July 17, 2007

James R. Young, Chief Executive Officer and President
Union Pacific Railroad Company
1400 Douglas Street
Omaha, NE 68179

Re: 104 (e) Request for Information - Omega Superfund Site
Real Property at 8851 Dice Road, Santa Fe Springs, CA

Dear Mr. Young:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances into the soil and groundwater at the Omega Chemical Superfund Site (the "Site"). As part of its investigation EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and public health, and to identify activities and parties that have or may have contributed to contamination at the Site.

EPA believes that you may have information which may assist EPA in its investigation of the Site. Evidence from groundwater investigations to date suggests that operations at various facilities in the area, including Omega Chemical, may have contributed to groundwater contamination through the use of volatile organic compounds (VOCs); including but not limited to, perchloroethylene (PCE), freons, trichloroethylene (TCE), methylene chloride and 1,1-DCE. Answers to the questions in Enclosure B will provide us some of the information we need for this site investigation.

We request that you provide a complete and truthful response to this Information Request and attached questions (Enclosure B) within thirty (30) calendar days of your receipt of this letter. Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$32,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to this request for information, signed by a duly authorized official of your company, within **thirty (30) calendar days** of receipt of this letter. Please direct your response to:

Linda Ketellapper, SFD-7-5
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, California 94105

Your response should include the appropriate name, address, and telephone number for the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this information request, please contact Steve Berninger, Assistant Regional Counsel at (415) 972-3909 or Linda Ketellapper, Enforcement Officer, at (415) 972-3104. If you have questions about the history of the Site, the nature of the

environmental conditions at the Site, or the status of cleanup activities, please contact Chris Lichens at (415) 972-3149.

We appreciate and look forward to your prompt response to this information request.

Sincerely,

A handwritten signature in dark ink, reading "Thanne Cox". The signature is written in a cursive style with a large, looped "T" and a distinct "Cox" at the end.

Thanne Cox, Chief
Case Development Cost
Recovery Section

Enclosures (2)

cc: Steve Berninger, EPA ORC
Linda Ketellapper, EPA

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
 - g. To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.
 - h. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.
9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that

all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Arctic Slope Regional Corp.
EPA Contract Number 68-R9-0101

Department of Toxic Substances Control/California
Environmental Protection Agency

Science Applications International Corporation
EPA Contract Number GS-10F-0076J

CH2M Hill, Inc.
EPA Contract Number 68-W-98-225

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term “you” or “Respondent” should be interpreted to include the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of RCRA.
5. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances

with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

6. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
7. The term “pollutant or contaminant” shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “documents” includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: QUESTIONS

1. State the full name, address, telephone number, positions(s) held by and tenure of the individual(s) answering any of these questions on behalf of Union Pacific Railroad Company, a Delaware corporation (f/k/a Southern Pacific Transportation Company, a Delaware corporation), concerning the real property located at 8851 Dice Road, Santa Fe Springs, CA (the "Property").
2. Identify the dates Union Pacific Railroad Company owned the Property. Provide a copy of all deeds, ownership records and any other documents evidencing such ownership.
3. Identify the individual(s), entity or entities from whom Union Pacific Railroad Company purchased the Property. Include the last known address and telephone number of the seller, if known, and provide copies of the deed and other documents governing the purchase of the Property by Union Pacific Railroad Company.
4. Documentation obtained by EPA indicates that Southern Pacific Transportation Company, a Delaware corporation (now known as Union Pacific Railroad Company, a Delaware corporation), sold the Property to First Dice Road Company, a California Limited Partnership, in or about October 1985. Provide a copy of all deeds, ownership records and all other documents evidencing such sale.
5. Did Southern Pacific Transportation Company, a Delaware corporation (now known as Union Pacific Railroad Company, a Delaware corporation), ever operate or conduct any business at the Property? If so, provide documentation evidencing the period and nature of such operations.
6. If Union Pacific Railroad Company is the current or past owner of the Property, and if at any time during its ownership it rented or leased the Property to any individuals or entities, provide the name of each such individual or entity, the respective dates it rented or leased to each such individual or entity and a copy of the lease(s), rental agreement(s) or any other document(s) governing each leasehold relationship.
7. At the time Union Pacific Railroad Company first took possession of the Property, state whether it was aware of any contamination of the Property and describe its efforts at the time to determine if the Property had been contaminated or otherwise environmentally impaired. Provide all documentation evidencing its efforts to determine whether the Property was contaminated or environmentally impaired at the time it first took possession of it (e.g., Phase I or other due diligence report). Describe the environmental condition of the Property at the time Union Pacific Railroad Company first took possession of it. Specifically, describe any contamination and/or hazardous substances, or any evidence suggesting the possible presence of contamination and/or hazardous substances, that may have been present at the Property at the time Union Pacific Railroad Company first took possession of it.

8. At any time during Union Pacific Railroad Company, a Delaware corporation (f/k/a Southern Pacific Transportation Company)'s possession or control of the Property, did it become aware of any contamination on, or environmental impairment of, the Property? As part of its response, provide copies of any and all documents in Union Pacific Railroad Company, a Delaware corporation (f/k/a Southern Pacific Transportation Company)'s possession or control pertaining to contamination and/or environmental impairment including, but not limited to, documents concerning releases of any hazardous substances that may have occurred on the Property during Union Pacific Railroad Company, a Delaware corporation (f/k/a Southern Pacific Transportation Company)'s ownership of the Property.



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July 18,2007

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Status:	Delivered	Delivery location:	OMAHA, NE
Signed for by:	P.SULLIVAN	Delivery date:	Jul 18, 2007 09:07
Service type:	Standard Envelope		

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Tracking number:	924619066662	Ship date:	Jul 17, 2007
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